

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Status of Claims

Claims 1, 32, 37-44 and 50-51 are amended. No claims are cancelled or added. Claims 32, 37, 39-44 and 50-51 are amended to further conform to typical U.S. practice. Claim 38 is amended to include the subject matter of claim 1. Support for the amendments to claim 1 can at least be found on page 12, line 35 – page 17, line 16 and Figures 4a-4b and 6a-6b. Thus, no impermissible matter is added.

Upon entry of the claim amendments, claims 1 and 27-51 will be pending and subject to examination on the merits.

II. The 35 U.S.C. § 112 Rejections Should Be Withdrawn

Claims 1 and 27-51 are rejected under 35 U.S.C. § 112, first and second paragraphs, as failing to comply with the enablement requirement and as being indefinite. Without conceding to the propriety of the rejections, claims 1 and 38 are amended, which renders these rejections moot.

Claims 38-51 are rejected under 35 U.S.C. § 112, fourth paragraph, as being improper dependent claims. Without conceding to the propriety of the rejection, claim 38 is amended, which renders this rejection moot.

The rejections of claims 1 and 38 are, therefore, improper. The rejections of dependent claims 28-37 and 39-51 are likewise improper.

Favorable reconsideration of the rejections is respectfully requested.

III. Prior Art

The Office did not issue a prior art rejection, contending that “normally a claim which fails to comply with the first and/or second paragraphs of § 112 will not be analyzed as to whether it is patentable over the prior art” (Office Action at p. 4). As claims 1 and 27-51 now comply with the first and second paragraphs of 35 U.S.C. § 112, Applicants respectfully request that the claims be analyzed as to whether they are patentable over prior art.

If the Office contends that the claims are unpatentable over U.S. Patent No. 4,949,624 (“Hara”), Applicants respectfully contend that such a rejection is improper. Hara fails to disclose, teach or suggest a heating, ventilating or air-conditioning system or a method for controlling a heating, ventilating or air-conditioning system “wherein the at least one air outflow vent includes a metering device configured to meter the first and second airflows prior to exiting through the outflow opening to form the airstream” as recited in claims 1 and 38.

Hara discloses a “louver window 4 [that] has a plurality of (in the illustrated case three) swingable louver members 5 each having a shaft ... [t]hese shafts 6 are coupled through a link mechanism to a drive motor 8” (Hara, col. 5, lines 34-41). “When the air conditioning system is required to operate in a concentration mode...the drive motor 8 is operated on command from the control unit 41 to place the louver members 5 at a first position...[and w]hen the air conditioning system is required to operate in a diffusion mode...the drive motor 8 is operated on command from the control unit 41 to place the lover members 5 at a second position” (Hara, col. 5, lines 49-64). Consequently, it is not until the air passes through the louver members 5 that the airflow of the air is modified and this modification occurs as the air passes through the louver window 4. As such, Hara fails to disclose, teach or suggest that the airflow is modified prior to exiting through the louver window 4. Accordingly, Hara fails to disclose, teach or suggest “wherein the at least one air outflow vent includes a metering device configured to meter the first and second airflows prior to exiting through the outflow opening to form the airstream” and, therefore, any rejection of claims 1 and 38 over Hara is improper.

Claims 27-37 and 39-51 depend from claims 1 and 38, respectively, and are allowable therewith, for at least the same reasons as claims 1 and 38 in addition to their respective recitations. Allowance of claims 1 and 27-51 is respectfully requested.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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